

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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In the Matter of)

MCI, Inc.)

 Petition for Waiver of FCC Rule
 Section 54.809(c))

 Federal Communications Commission
 Office of Secretary

CC Docket No. 96-45

**PETITION FOR WAIVER OF SECTION 54.809(c) OF THE COMMISSION
 RULES – EXPEDITED ACTION REQUESTED**

MCI, Inc. ("MCI"), pursuant to Section 1.925 of the Federal Communications Commission's (FCC or Commission) Rules, 47 C.F.R. §1.925, hereby requests a waiver of the June 30th deadline in Section 54.809(c), 47 C.F.R. §54.809(c). MCI requests that the Commission accept MCI's annual certification concerning interstate access universal service support, which is being filed only days after the deadline, so that vital interstate access support continues without interruption.¹ In support of this Petition, the following is respectfully shown:

I. BACKGROUND

FCC Rule Section 54.809(c) states that in order to receive interstate access support, an eligible telecommunications carrier:

must file an annual certification, as described in paragraph (b) of this section, on the date that it first files its line count information pursuant to § 54.802, and thereafter on June 30th of each year.

¹ For the Commission's convenience, a copy of the certification, as filed today, is attached.

47 C.F.R. §54.809(c). MCI failed to file the certification on June 30, 2004. However, upon discovery of the omission, MCI has immediately prepared a certification and submits it now.²

II. ARGUMENT

Under its rules, the Commission may grant a waiver if the underlying purpose of the rule would not be served by its strict application, and if granting a waiver would be in the public interest.³ MCI believes grant of a waiver here would further the public interest, while denial of a waiver would frustrate the purpose of the rule.

The underlying purpose of the rule would not be served by its strict application in this case. The certification rule is intended to cause carriers who receive support to place into the record a pledge of compliance with the FCC's interstate access universal service support regulations. MCI has previously certified and complied with these regulations since it first began to receive universal service fund support, and continues to do so today. With the Commission's understanding and permission, MCI will file the new certification today.

Granting this waiver will also serve the public interest. The universal service program is intended to promote access to advance services in areas where telephone subscribership has been historically low. MCI's universal service program furthers this goal. Universal service support will enable MCI to continue to provide and possibly expand service to customers in high cost areas. As the Federal-State Joint Board on Universal Service has noted, carriers cannot be expected to make the financial

² Additionally, it should be noted that the courtesy reminder sent by USAC was mailed to an old address where MCI no longer has offices.

³ 47 C.F.R. §1.925(3).


investments to provide service in high cost areas without the assurance of federal universal service support.⁴

There is precedent for grant of such a waiver. In 2001, Smith Bagley, Inc. (“SBI”) missed an identical certification deadline. The Commission granted a waiver in that case, noting that SBI took corrective action as soon as it discovered its mistake, was only weeks late in filing, and continued to comply with the certification’s commitments.⁵ The Commission further stated: “Waiver of the filing deadline will permit SBI to receive interstate access universal service support uninterrupted, and continue its efforts to increase access to telecommunications services in [needy] areas consistent with our statutory goal of preserving and advancing universal service, pursuant to section 254 of the [Communications] Act.”⁶

III. CONCLUSION

For the reasons set forth above, MCI respectfully requests a waiver of Section 54.809(c). MCI asks the commission to accept its certification so as to permit interstate access support to continue uninterrupted.

Respectfully submitted,


Karen Reidy
MCI, Inc.
1133 19th Street, NW
Washington, DC 20036

July 21, 2004

⁴ Federal-State Joint Board, *Recommended Decision*, CC Docket No. 96-45, ¶22 (Feb. 27, 2004).

⁵ Smith Bagley, Inc. Petition for Waiver of FCC Rule Section 54.809(c) – Expedited Action Requested, *Order*, CC Docket No. 96-45, DA 01-1911 (rel. Aug. 15, 2001).

⁶ *Id.* at ¶ 7.



July 16th, 2004

Marlene H. Dortch
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Irene M. Flannery
Vice President – High Cost and Low Income Division
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Re: CC Docket No. 96-45
Interstate Access Support – IAS
Annual Certification Filing

To Whom it May Concern:

In connection with MCI's application for universal service funds, I hereby certify, pursuant to 47 C.F.R. §54.809, that all interstate universal service support provided to MCI Inc. will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

Sincerely,

Jeffrey L. Sporn
Director
Marketing Strategy